

Senate File 391

S-3045

1 Amend Senate File 391 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 85.16, Code 2013, is amended by  
5 adding the following new subsection:

6 NEW SUBSECTION. 4. By the employee's willful  
7 violation of an employment policy or procedure of the  
8 employer, if the willful violation was a substantial  
9 factor in causing the injury.

10 Sec. 2. Section 85.33, subsection 3, Code 2013, is  
11 amended to read as follows:

12 3. a. If an employee is temporarily, partially  
13 disabled and the employer for whom the employee was  
14 working at the time of injury offers to the employee  
15 suitable work consistent with the employee's disability  
16 the employee shall accept the suitable work, and be  
17 compensated with temporary partial benefits. If the  
18 employee refuses to accept the suitable work with the  
19 same employer, the employee shall not be compensated  
20 with temporary partial, temporary total, or healing  
21 period benefits during the period of the refusal.  
22 If suitable work is not offered by the employer for  
23 whom the employee was working at the time of the  
24 injury and the employee who is temporarily partially  
25 disabled elects to perform work with a different  
26 employer, the employee shall not be compensated with  
27 temporary partial, temporary total, or healing period  
28 benefits during the period of time the employee works  
29 for a different employer. For the purposes of this  
30 subsection, work offered to an employee shall be  
31 considered suitable work consistent with the employee's  
32 disability if the work offered meets all of the  
33 following requirements:

34 (1) The work offered can be reasonably performed  
35 within the employee's educational ability, training,  
36 and vocational experience.

37 (2) The work offered is consistent with the  
38 employee's medical restrictions.

39 b. For the purposes of paragraph "c", a traveling  
40 employee is an employee whose regular work duties  
41 regularly require the employee to be away from the  
42 employee's residence for more than the majority of the  
43 work week.

44 c. For the purposes of this subsection, work  
45 offered to a traveling employee shall be considered  
46 suitable work consistent with the employee's disability  
47 if the following additional requirements are met:

48 (1) Unless otherwise contractually agreed between  
49 the employer and the employee before the injury, the  
50 geographic location of the work offered by an employer

1 to a traveling employee may be considered only if the  
2 work offered does any of the following:

3 (a) Requires a commute or other travel beyond the  
4 physical capacity of the traveling employee.

5 (b) Requires the traveling employee to spend  
6 substantially more time away from the traveling  
7 employee's residence than the traveling employee's  
8 regular work duties and schedule.

9 (2) If an employer offers suitable work consistent  
10 with the employee's disability to a traveling  
11 employee that requires the traveling employee to  
12 spend substantially more time away from the traveling  
13 employee's residence than the traveling employee's  
14 regular work duties, the employer shall notify the  
15 traveling employee in writing of all of the following:

16 (a) The nature of the work duties and physical  
17 requirements of the proposed suitable work.

18 (b) The geographic location of the proposed  
19 suitable work offered, if the location will be  
20 substantially different than the location of the  
21 traveling employee's regular work.

22 (c) The possible suspension of temporary partial,  
23 temporary total, or healing period benefits if the  
24 traveling employee refuses the proposed suitable work  
25 offered.

26 (3) The employer shall deliver written notice of  
27 suitable work consistent with the employee's disability  
28 offered to the traveling employee, by mail, or by  
29 personal or electronic delivery.

30 (4) Within seven days after the employer mails to  
31 the traveling employee written notice of the suitable  
32 work offered, or within three days after the employer  
33 personally or electronically delivers to the traveling  
34 employee a written notice of suitable work offered,  
35 whichever is earlier, the traveling employee shall  
36 either accept the offer of suitable work or shall  
37 refuse the offer of suitable work, in written or  
38 electronic form, stating the basis for the employee's  
39 refusal.

40 d. This subsection shall not be construed to create  
41 a new legal claim or cause of action or to extinguish  
42 or modify any existing legal claim or cause of action.

43 Sec. 3. APPLICABILITY. The section of this Act  
44 amending section 85.16 applies to injuries that occur  
45 on or after July 1, 2013.

46 Sec. 4. APPLICABILITY. The section of this Act  
47 amending section 85.33, subsection 3, applies to offers  
48 of suitable work made on or after July 1, 2013.>

49 2. Title page, by striking line 1 and inserting <An  
50 Act relating to the allowance of workers' compensation

- 1 benefits for certain>
- 2 3. By renumbering as necessary.

---

JAKE CHAPMAN